

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

[1] MISTY WHITE,
[2] JERMAINE BRADFORD,
[3] JANARA MUSGRAVE,
[4] LANDON PROUDFIT,
[5] BRADLEY BARBER, JR., and
[6] DAKOTA KAPPUS,

On behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

[1] HON. PAUL HESSE, in his official
capacity as Chief Judge of the 26th Judicial
District, and
[2] HON. KHRISTIAN STRUBHAR, in her
official capacity as Special Judge in the
Canadian County District Court,

Defendants.

Case No. 5:19-cv-1145-JD

JOINT STATUS REPORT

The parties submit this joint status report in accordance with the Court's September 24, 2021 Order (ECF No. 60).

I. Conference Logistics

On October 8, 2021, the parties conferred by phone for approximately one hour. At the end of the conference, the parties agreed to exchange legal citations, and Defendants agreed to provide Plaintiffs with more information about Canadian County proceedings where bail is set, including proper nomenclature for certain proceedings. Plaintiffs sent

Defendants information about possibilities for partial settlement, and the parties exchanged legal citations.

On October 24, 2021, Plaintiffs sent Defendants the working draft of the amended complaint, and reiterated their proposed possibilities for partial settlement. Plaintiffs expressed openness to resolving the First Amendment claim if Defendants provided public access to arraignments. Plaintiffs expressed openness to resolving the disability claims if Defendants would conduct arraignments in a quiet setting that would allow arrestees a meaningful opportunity to ask for accommodations.

On November 5, 2021, the parties conferred for approximately 90 minutes about the working draft of the amended complaint and Plaintiffs' proposals for partial settlement. The parties discussed narrowing the defendants against whom declaratory relief was sought, and Defendants represented that Judge Strubhar is the special judge assigned to handle initial appearances in Canadian County. Plaintiffs limit the number of defendants to only Judges Hesse and Strubhar because Defendants represented that they would not advise reassigning the special judge who conducts the proceedings at issue for the purpose of circumventing declaratory relief. The parties also exchanged email correspondence after the conference to clarify issues that remain outstanding.

Zoe Brennan-Krohn, Marta Cook, Aaron Lewis, and Trisha Trigilio participated for Plaintiffs in both conferences. In addition, Megan Lambert attended the first conference, and Brandon Buskey, Laura Beth Cohen, and Kadeisha Weise attended the second conference on behalf of Plaintiffs. Stefanie Lawson, Erin Moore, and Devan Pederson participated for Defendants in both conferences.

II. Outcome

Plaintiffs have removed claims for violation of the Americans with Disabilities Act, Rehabilitation Act, and First Amendment. Plaintiffs have also removed claims against all defendants except (1) claims for injunctive and declaratory relief against Chief Judge Hesse; and (2) claims for declaratory relief against Special Judge Strubhar.

Issues that remain are the following:

1. Defendants object to the use of “arraignment” to describe the proceedings at issue. Plaintiffs have asked Defendants to share any nomenclature they are able to identify for the proceedings discussed in the complaint that Defendants would prefer Plaintiffs use in lieu of “arraignment.” Rather than using an alternate term, Defendants suggested Plaintiffs specify the appearance date or plead facts showing the stage of the criminal process during which the appearances are occurring and/or what other matters are being addressed in the appearances. The amended complaint uses the term “first court appearance,” because that is the term Chief Judge Hesse used in the administrative order governing these proceedings.

2. Defendants have previewed their legal arguments regarding standing and the merits of the remaining constitutional claims. Plaintiffs disagree with those arguments based on applicable case law.

3. Defendants have previewed their arguments that some of the allegations in the amended complaint fail to satisfy Rule 8 of the Federal Rules of Civil Procedure. Plaintiffs disagree with those arguments.

Respectfully Submitted,

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